

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No. 04-12019-RBC

DENNIS SENA,)
)
Plaintiff)
)
v.)
)
MASSACHUSETTS BAY)
TRANSPORTATION AUTHORITY, <i>et al.</i>)
)
Defendants)
)

JOINT STATEMENT

NOW COME THE PARTIES and, pursuant to and in accordance with the Court's Notice of Scheduling Conference, Rule 16(b) of the Federal Rules of Civil Procedure, and this Court's Local Rule 16.1, the Parties join to submit the following Statement:

1. **PROPOSED JOINT DISCOVERY PLAN**

The Parties agree to work together in good faith to:

- a. complete written discovery practice by October 15, 2005;
- b. complete depositions of fact witnesses by December 31, 2005;
- c. complete disclosure of expert testimony and production of expert witness reports by March 31, 2006;
- d. complete depositions of expert witnesses who are expected to testify at trial by May 31, 2006; and
- e. attempt to resolve any discovery disputes by mutual agreement before engaging in discovery motion practice.

2. PROPOSED SCHEDULE FOR THE FILING OF MOTIONS

The Parties propose to bring all motions involving joinder of additional parties and amendment of pleadings by December 31, 2005, and to bring any dispositive motions by June 30, 2006.

3. CERTIFICATIONS

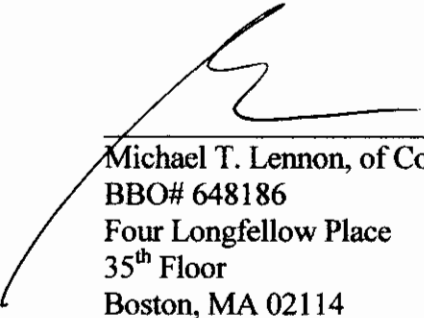
The undersigned counsel hereby affirm that each Party and each Party's counsel have conferred:

- a. with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and
- b. to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

The Plaintiff,
By his Attorneys,

DENNER • O'MALLEY, LLP



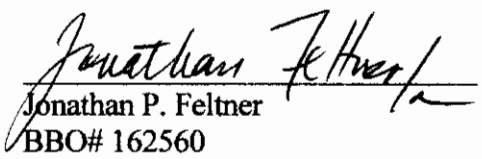
Michael T. Lennon, of Counsel
BBO# 648186
Four Longfellow Place
35th Floor
Boston, MA 02114
(617) 227-2800

Dated: June 28, 2005

Respectfully submitted,

The Defendants,
By their Attorneys,

MBTA LAW DEPARTMENT



Jonathan P. Feltner
BBO# 162560
Ten Park Plaza
Boston, MA 02116
(617) 222-3175